tend to divert the custom of the old firm, and the line between what he is permitted to do in the way of general advertising and personal solicitation cannot be drawn." This is the rule of Louisiana, New York, Maryland, Connecticut and Iowa. *Bergamini* v. *Bastian,* 35 La. Ann. 60; *Ward* v. *Ward,* 15 N. Y. Supp. 913; *Close* v. *Flesher,* 61 Hun 625, 15 N. Y. Supp. 913, 8 Misc. 299; *In re Case,* 122 App. Div. 343; *Armstrong* v. *Bittner,* 71 Md. 119; *Cottrell* v. *Manufacturing Co.,* 54 Conn. 122; *Hanna* v. *Andrews,* 50 Ia. 462; *Findlay* v. *Carson,* 97 Ia. 537. States following the English doctrine are Illinois, Rhode Island, New Jersey, and Ohio. *Rauft* v. *Reimers,* 200 Ill. 386. *Zanturjian* v. *Boonazian,* 25 R. I. 151, 55 Atl. 199; *Althen* v. *Vreeland,* — N. J. Eq. —, 36 Atl. 479; *Scudder* v. *Kilfoil,* 57 N. J. Eq. 171, 40 Atl. 602; *Brass, etc., Co.* v. *Payne,* 50 Ohio St. 115, and a federal decision, *Acker, etc. Co.* v. *McGaw,* 144 Fed. 864. The question is an open one in Massachusetts. See *Old Corner Book Store* v. *Upham,* 194 Mass. 101, 80 N. E. 228. The decision in the principal case is consistent with the holding of *Williams* v. *Farrand* (supra) in that here there was an express agreement restraining the defendant.

TORTS—VIOLATION OF OBLIGATION—TRESPASS—DEFENSE OF NECESSITY FOR SAVING LIFE.—Plaintiff with his wife and children were sailing in a sloop on Lake Champlain; a violent storm arose, whereby the boat and its occupants were placed in great danger, and in order to save them plaintiff was compelled to moor the boat to defendant's dock. Defendant's servant unmoored the boat, whereupon it was driven ashore by the violence of the tempest without plaintiff's fault and destroyed, and plaintiff and the occupants of the sloop were cast into the water and upon the shore, and were injured. In an action for damages, *held,* that plaintiff was entitled to recover. *Ploof* v. *Putnam,* (1908), — Vt. —, 71 Atl. 188.

The cases illustrating the doctrine announced in this case are few, but there appears to be authority in support of it. Among the several defenses that may be interposed to an action of trespass is that of necessity in entering upon the land of another for the preservation of life. JAGGARD, TORTS, Vol. 2, 678. Personal propery of another may be sacrificed to prevent loss of life. *Mouse's Case,* 12 Co. 63. A traveller on a highway which has become impassable by a sudden and recent obstruction may pass upon adjoining land without becoming a trespasser because of the necessity. *Campbell* v. *Race,* 7 Cush. (Mass.) 408, 54 Am. Dec. 728; *Morey* v. *Fitzgerald,* 56 Vt. 487, 48 Am. Rep. 811. An entry upon another's land may be made for the purpose of preventing the spread of fire. *American Print Works* v. *Lawrence,* 23 N. J. L. 590. In *Proctor* v. *Adams,* 113 Mass. 376, defendant went upon plaintiff's beach for the purpose of saving and restoring to the lawful owner a boat which had been driven ashore, and was in danger of being carried off by the sea, and there was no trespass. There is authority to the effect that the owner of a shade tree, finding another's horse hitched to it, is not liable in trespass for removing the horse to a safe place. *Gilman* v. *Emery,* 54 Me. 460. It would seem that the principal case was correctly decided.